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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,039	04/07/2004	David R. Ginskey	STTC.112503	9249
5251	7590	03/03/2006	EXAMINER	
SHOOK, HARDY & BACON LLP INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BLVD KANSAS CITY, MO 64108-2613			VO, ANH T N	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/821,039	GINSKEY, DAVID R.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anh T.N. Vo	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/08/2004.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The references cited on PTO 1449 have been considered.

### ***Claim Objection***

Claim 8 is objected to because of the following informalities:

- \* In claim 8 at line 9, "to clean said at least one of said ports" should be deleted to avoid redundant words.

Appropriate correction is required.

### ***Claim Rejections***

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 USC 102 (b) as being anticipated by Liu (US Pat. 6,172,695).

Liu disclose in Figures 3-6 a clamp (14) for securing an inkjet cartridge (11) comprising:

- an overhang portion (32, 37) on said upright member (30), said overhang portion (32, 37) having a downwardly depending portion (37) which engages an outcropped portion (23) of said cartridge (11) from above to hold down said outcropped portion (23); and

- wherein said cross section of said laterally extending member (14) comprises a wave (39).

Claim 5 is rejected under 35 USC 102 (b) as being anticipated by Applicants' admitted prior art (as shown in Figure 6).

Applicants' admitted prior art as shown in Figure 6 discloses a clip design for securing an ink cartridge comprising:

- a laterally extending member (118);
- an upright member (120); said upright member adapted to receive a stem (164) from a gasket (112) there through, said stem (164) at one end connecting to a mat portion of said gasket (112), said mat being pressed against an inside face of said upright member (120), a fluid transmission circuit defined by both a conduit, said conduit being defined by said stem (164) and a portion of said mat along with an aperture defined within said mat; and
- a releasable latching mechanism (150, 152) at a distal end of said laterally extending member (118), said latching mechanism serving to lock down an outer end of an inkjet cartridge (14); a cross section of said laterally extending member which includes a wave (130).

Claim 8 is rejected under 35 USC 102 (e) as being anticipated by Shima (US Pat. 6,793,317).

Shima disclose in Figures 1-5 an inkjet recording apparatus comprising:

- providing a clip (25) for receiving said cartridge (11);
- including a sealing gasket (24a) in said clip (25) for fluidly connecting at least some of said plurality of ports (6a) to a pressure controlling device (27) through a conduit (28); and
- administering suction to said at least some of said ports (6a) using said pressure controlling device (27) to clean out said at least some of said ports (6a) (Figure 5, column 6, lines 58-59).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 are rejected under 35 USC 103 (a) as being unpatentable over Liu (US Pat. 6,172,695).

Liu discloses the basic features of the claimed invention were stated above but except for “said cross section of said laterally extending member comprises two waves and said cross section of said laterally extending member comprises an inner plateau followed by a first valley followed by a first crest followed by a second valley followed by a second crest followed by a third valley followed by an outer plateau” is seen as a mechanical design expedient for an engineer depending upon a particular environment and the applications in which the extending member (or holder) is to be used in the printing apparatus for the purpose of securely adjusting holder depending on a size of an ink jet head cartridge.

Claims 6-7 are rejected under 35 USC 103 (a) as being unpatentable over Applicants’ admitted prior art (as shown in Figure 6).

Applicants’ admitted prior art (as shown in Figure 6) discloses the basic features of the claimed invention were stated above but except for “said cross section of said laterally extending member comprises two waves and said cross section of said laterally extending member comprises an inner plateau followed by a first valley followed by a first crest followed by a second valley followed by a second crest followed by a third valley followed by an outer plateau” is seen as a mechanical design expedient for an engineer depending upon a particular environment and the applications in which the extending member (or holder) is to be used in the

printing apparatus for the purpose of securely adjusting holder depending on a size of an ink jet head cartridge.

***CONCLUSION***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M.to 7:00 P.M..

The fax number of this Group 2861 is (571) 273-8300.



ANH T.N. VO  
PRIMARY EXAMINER

March 1, 2006